IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 24103 of 2004

Between:

T. RAMACHANDRA REDDY, S/O. T. GURAVA REDDY,
aged 55 years, Superintendent,

O/o. The Executive Engineer, Water Works Division,

TTDs, Tirumala, R/o. D.No.19-12-215, Bairagipatteda,
Tirupati, Chittoor District.

..... PETITIONER

AND

The Tirumala Tirupati Devasthanams, rep. by its Executive Officer,

Tirupati, Chittoor District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction particularly one in the nature of writ of Mandamus declaring the action of the respondent in not considering his case for promotion as Assistant Executive Officer who his junior was considered and promoted as illegal arbitrary, discriminatory, contrary to the rules and administrative instructions issued and also vioaltive of Articles 14 and 16 of the Constitution of India.

Counsel for the Petitioner: MR.M.PANDURANGA RAO

Counsel for the Respondent: MR.P.SURESH REDDY, SC FOR TTD

The Court made the following:

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ORDER:

In not considering the case of the petitioner for promotion as Assistant Executive Officer, the present writ petition is filed.

The facts are not in dispute.

The learned counsel for the petitioner contended that at present there is no bar for giving promotion to the petitioner as Assistant Executive Officer, and therefore, a direction may be given to the respondent to consider his case.

On the other hand, the learned standing counsel appearing for the respondent contended that this Court only set aside the stoppage of five increments and left open to the respondent to pass appropriate sentence in the departmental enquiry in which the charges have been established against the petitioner.

In any view of the matter, the respondent has to take appropriate decision and pass appropriate orders as to whether the petitioner is eligible for promotion as Assistant Executive Officer or not, taking into account the punishment imposed on him, in accordance with rules. Therefore, a direction is given to the respondent to consider the case of the writ petitioner for promotion as Assistant Executive Officer, in accordance with rules and executive instructions, within a period of three months from the date of receipt of a copy of this order.

With the above directions, the Writ Petition is disposed of. No order as to costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Executive Officer,

The Tirumala Tirupati Devasthanams,

Tirupati, Chittoor District

2. Two CD copies.